

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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THERESA ROCKOVICH,

Plaintiff,

v.

DEEJAYZOO, LLC d/b/a SHHHOWERCAP,

Defendant.  
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X

: Case No. 1:2022-CV-03428 (LGS)

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: **ANSWER TO COMPLAINT**

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Defendant DEEJAYZOO, LLC d/b/a SHHHOWERCAP (“Defendant”), by and through its attorneys of record, hereby submits this Answer to the Complaint dated April 27, 2022 (the “Complaint”) of Plaintiff Theresa Rockovich (“Plaintiff”) and responds as follows:

**NATURE OF THE ACTION**

1. Defendant denies the allegations contained in paragraph 1 of the Complaint.

**PARTIES**

2. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 2 of the Complaint and therefore denies them.

3. Admitted.

4. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 4 of the Complaint except admits that Jacquelyn De Jesu is the sole member of Defendant and is domiciled in the State of New York.

5. Admitted.

**JURISDICTION AND VENUE**

6. The allegations set forth in paragraph 6 of the Complaint are legal conclusions for which Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations.

7. The allegations set forth in paragraph 7 are legal conclusions for which Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations.

8. The allegations set forth in paragraph 7 are legal conclusions for purposes of venue to which no response is required.

### **FACTUAL ALLEGATIONS**

9. Defendant denies the allegations contained in paragraph 9 of the Complaint.
10. Defendant denies the allegations contained in paragraph 10 of the Complaint.
11. Defendant denies the allegations contained in paragraph 11 of the Complaint.
12. Defendant denies the allegations contained in paragraph 12 of the Complaint.
13. Defendant denies the allegations contained in paragraph 13 of the Complaint.
14. Defendant denies the allegations contained in paragraph 14 of the Complaint.
15. Defendant denies the allegations contained in paragraph 15 of the Complaint.
16. Defendant denies the allegations contained in paragraph 16 of the Complaint.
17. Defendant denies the allegations contained in paragraph 17 of the Complaint.
18. Defendant denies the allegations contained in paragraph 18 of the Complaint.
19. Defendant denies the allegations contained in paragraph 19 of the Complaint.
20. Defendant denies the allegations contained in paragraph 20 of the Complaint.
21. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 21 of the Complaint and therefore denies them.

22. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 22 of the Complaint and therefore denies them.

23. Defendant denies the allegations contained in paragraph 23 of the Complaint.

24. Plaintiff requests a jury trial in this paragraph and therefore no response is required by Defendant to this paragraph.

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#### **FIRST CLAIM FOR RELIEF**

25. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 25 of the Complaint and therefore denies them.

26. Defendant denies the allegations contained in paragraph 26 of the Complaint.

27. Defendant denies the allegations contained in paragraph 27 of the Complaint.

28. Defendant denies the allegations contained in paragraph 28 of the Complaint.

29. Defendant denies the allegations contained in paragraph 29 of the Complaint.

#### **SECOND CLAIM FOR RELIEF**

30. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 30 of the Complaint and therefore denies them.

31. Defendant denies the allegations contained in paragraph 31 of the Complaint.

32. Defendant denies the allegations contained in paragraph 32 of the Complaint.

33. Defendant denies the allegations contained in paragraph 33 of the Complaint.

34. Defendant denies the allegations contained in paragraph 34 of the Complaint.

#### **THIRD CLAIM FOR RELIEF**

35. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 35 of the Complaint and therefore denies them.

36. Defendant denies the allegations contained in paragraph 36 of the Complaint.

37. Defendant denies the allegations contained in paragraph 37 of the Complaint.

38. Defendant denies the allegations contained in paragraph 38 of the Complaint.

39. Defendant denies the allegations contained in paragraph 39 of the Complaint.

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### **PRAYER**

While Plaintiff's prayer for relief requires no response, Defendant denies that Plaintiff is entitled to the relief requested or any other relief made in the Complaint or elsewhere.

### **AFFIRMATIVE DEFENSES**

#### **First Affirmative Defense**

##### **(Failure to State a Claim)**

40. The Complaint, on one or more counts set forth therein, fails to state a claim upon which relief can be granted.

#### **Second Affirmative Defense**

##### **(Doctrine of Laches)**

41. The claims made in the Complaint are barred, in whole or in part, by the doctrine of laches.

#### **Third Affirmative Defense**

##### **(Unclean Hands)**

42. The claims made by Plaintiff in the Complaint are barred, in whole or in part, by the doctrine of unclean hands.

**Fourth Affirmative Defense**

**(Waiver, Acquiescence, and Estoppel)**

43. Each of the purported claims set forth in the Complaint are barred by the doctrines of waiver, acquiescence, and estoppel.

**Fifth Affirmative Defense**

**(Satisfaction)**

44. The account, debt, or contract complained in the Complaint have already been satisfied, Plaintiff having received full satisfaction.

**Sixth Affirmative Defense**

**(No Damage to Plaintiff)**

45. Plaintiff has not suffered any damages as result of the acts complained of in the Complaint if held to be true.

**Seventh Affirmative Defense**

**(Failure to Mitigate Damages)**

46. At all times material herein, Plaintiff failed and neglected to mitigate its damages so as to reduce and/or diminish its claims.

**Eighth Affirmative Defense**

**(Offset)**

47. Defendant asserts that they have incurred damages by Plaintiff's conduct and that it has the right to offset of any number of monies owed to Plaintiff by way of damages.

**Ninth Affirmative Defense**


**(Statute of Frauds)**

48. Defendant asserts that relief is barred by the applicable statute(s) of fraud.

WHEREFORE, Defendant respectfully requests that the Complaint be denied in its entirety and Defendant be awarded its costs and fees including reasonable attorneys' fees together with such other and further relief as this Court may deem just and proper.

DATED: July 6, 2022

**RAINES FELDMAN, LLP**

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